

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORPORATION,
Petitioner,

v.

BOSTON SCIENTIFIC SCIMED, INC.,
Patent Owner.

Case IPR2017-00444
Patent 6,915,560 B2

Before NEIL T. POWELL, JAMES A. TARTAL, and
STACY B. MARGOLIES, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

DECISION

Granting Revised Motion to Seal
37 C.F.R. §§ 42.5, 42.14 and 42.54

Patent Owner Boston Scientific Scimed, Inc., filed an unopposed Revised Motion to Seal portions of Exhibit 1128. Paper 44. The default rule is that all papers filed in an *inter partes* review are open and available for access by the public; only “confidential information” may be protected from disclosure upon a showing of good cause. *See* 35 U.S.C. §§ 316(a)(1) and 316(a)(7); 37 C.F.R. §§ 42.14 and 42.54(a). Generally, the party asserting confidentiality bears the burden of showing that the relief requested should be granted. 37 C.F.R. § 42.20(c). This includes showing that the information is truly confidential, and that such confidentiality outweighs the strong public interest in having an open record. A motion to seal will not be granted if based only on broad or generic contentions of confidentiality.

Patent Owner states that Exhibit 1128 includes confidential information, including “descriptions of the invention and its advantages, sketches of the invention, and descriptions of embodiments of the invention provided by the inventor during the development stage, prior to filing the application for the ’560 patent or any related application.” Paper 1–2. With the Revised Motion, Patent Owner also filed a publically accessible, redacted version of Exhibit 1128. *See* Exhibit 2054. Patent Owner states that the “redactions are limited to isolated passages consisting entirely of confidential information, and the thrust of the underlying argument remains clearly discernible in view of the unredacted portions.” *Id.* at 2.

We have reviewed the portions of Exhibit 1128 that have been redacted from the publically available version (Exhibit 2054) and determine that the redactions do not appear to be facially excessive and appear to be

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tailored to encompass asserted confidential information. Accordingly, we grant the request to seal the unredacted version of the exhibit.

It is

ORDERED that the Revised Motion to Seal is *granted* and that Exhibit 1128 shall remain under seal.

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